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Dated: April 25, 2005

Signature: 

(Amy L. Hamm)

Docket No.: 05587-00375-US  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In Re Patent Application of:  
Eckehard Beer et al.

Application No.: 10/524649 ✓

Confirmation No.: Not Yet Assigned

Filed: February 17, 2005

Art Unit: N/A

For: Multilayer Polyolefin Film, Its Use And  
Process For Its Production

Examiner: Not Yet Assigned

**COMMUNICATION**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is a copy of the International Preliminary Examination Report in the above-identified application.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05587-00375-US from which the undersigned is authorized to draw.

Dated: April 25, 2005

Respectfully submitted,

By 

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From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 72.2)

To:

TICONA GMBH  
Patent- und Lizenzabteilung  
Professor-Staudinger-Strasse  
R300  
65451 Kelsterbach  
ALLEMAGNE

Date of mailing ( <i>day/month/year</i> ) 31 March 2005 (31.03.2005)	
Applicant's or agent's file reference 2002/G013	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/EP2003/009156	International filing date ( <i>day/month/year</i> ) 19 August 2003 (19.08.2003)
Applicant TICONA GMBH et al	

## 1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

## 2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

<b>Ticona GmbH/Patente</b>	
Vorg.	
Eing.: 05. APR. 2005	
<input checked="" type="checkbox"/> wv.	COG
<input type="checkbox"/> ablegen	
<input type="checkbox"/> Vert. wie Vorg./angegeb.	
MC	HU

*Ab lage*

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.+41 22 740 14 35	Authorized officer Agnes Wittmann-Regis  Facsimile No.+41 22 338 89 70
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Translation

PATENT COOPERATION TREATY

PCT/EP2003/009156



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002/G013	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/009156	International filing date (day/month/year) 19 August 2003 (19.08.2003)	Priority date (day/month/year) 21 August 2002 (21.08.2002)
International Patent Classification (IPC) or national classification and IPC B32B 27/32		
Applicant TICONA GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of            sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05 February 2004 (05.02.2004)	Date of completion of this report 19 July 2004 (19.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/009156

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

☒ the international application as originally filed

☒ the description:

pages \_\_\_\_\_ 1-19 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the claims:

pages \_\_\_\_\_ 1-16 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☐ the drawings:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☐ the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_  
☐ the claims, Nos. \_\_\_\_\_  
☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 03/09156

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement			
Novelty (N)	Claims	1-16	YES
	Claims		NO
Inventive step (IS)	Claims	1-16	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

### 2. Citations and explanations

Reference is made in the present report to the following search report citations (D1), (D2) and (D3); the same numbering will be used throughout the procedure:

(D1): EP-A-844077✓

(D2): JP-A-06305100✓ (Derwent abstract translation)

(D3): EP-A-838293✓

#### 1.1. PCT Article 33(2)

1.1.1. Document (D1) describes a multi-layered film having a base layer and at least one cover layer applied thereupon, and its use in capacitors. The base layer is preferably coated on both sides with cover layers and consists of a cycloolefin polymer. The cover layers consist substantially of a mixture of cycloolefin polymers. A method for producing the film is also disclosed in this document (claims 1-6, 10 and 18; page 6, lines 18-39; examples 5-7).

The subject matter of claim 1 differs from document (D1) in that according to the present application:

- (i) in the case of structure (I): the cover layers consist of a mixture of an amorphous polyolefin and polypropylene;

(ii) in the case of structure (II): the base layer consists of a mixture of polyolefins, and the cover layers consist of a mixture of an amorphous polyolefin and polypropylene, or of a semi-crystalline polyolefin.

Therefore, the subject matter of independent claim 1 appears novel (PCT Article 33(2)). The subject matter of the other independent claims 11, 13, 15 and 16 is likewise novel for the same reasons.

1.1.2. Document (D2) describes a multi-layered film of cycloolefin polymer having a base layer and two cover layers applied thereupon, and its use in pharmaceuticals. The base layer consists of a cycloolefin polymer, and the cover layers consist of a mixture of high-density polyethylene and cycloolefin polymers. A method for producing the film is also disclosed in this document (abstract).

The subject matter of claim 1 differs from document (D2) in that according to the present application:

- (i) in the case of structure (I): the cover layers consist of a mixture of an amorphous polyolefin and polypropylene;
- (ii) in the case of structure (II): the base layer consists of a mixture of polyolefins, and the cover layers consist of a mixture of an amorphous polyolefin and polypropylene, or of a semi-crystalline polyolefin.

Therefore, the subject matter of independent claim 1 appears novel (PCT Article 33(2)). The subject matter of the other independent claims 11, 13, 15 and 16 is likewise novel for the same reasons.

1.1.3. Document (D3) describes a single- or multi-layered film of cycloolefin polymer having at least one layer that consists of cycloolefin or a mixture of cycloolefin and polypropylene. The use of the film in blister packaging and a method for producing said film are also disclosed in this document (claims 1, 2, 4, 7 and 8; page 2, lines 6-16; page 7, lines 54-57; examples 8-10).

The subject matter of claim 1 differs from document (D3) in that according to the present application the compositions of the three layers are known.

Therefore, the subject matter of independent claim 1 appears novel (PCT Article 33(2)). The subject matter of the other independent claims 11, 13, 15 and 16 is likewise novel for the same reasons.

#### 1.2. PCT Article 33(3)

Document (D2) is considered the closest prior art. The effect of the differences between claim 1 and (D2) (see point 1.1.2, above) is:

- (i) for structure (I): unknown - the examples include only cover layers consisting of pure polypropylene or of a mixture of polypropylene and cycloolefin;
- (ii) for structure (II): improving the punchability of the structure and preventing the formation of threads on the cutting edge of the blister (see page 7, lines 18-23).

The problem to be solved by the present invention can thus be seen as that of providing an alternative multi-layered structure (structure (I)) or a multi-layered structure with improved punchability and processability (structure (II)).

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/09156

None of the prior art documents discloses or mentions the specific selection of the compositions of the at least three layers, as described in claim 1, or the combination of the layers in the structures. These features are not considered obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to solve the problem of interest without thereby exercising inventive skill.

Therefore, the subject matter of claim 1 involves an inventive step (PCT Article 33(3)). The subject matter of claims 11, 13, 15 and 16 likewise involves an inventive step for the same reasons (PCT Article 33(3)).

## 2. Other Features

2.1. Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents (D1), (D2) and (D3) or indicate the relevant prior art disclosed therein.

2.2. The phrase "to which [documents] reference is made here", which is used on page 3, lines 10-11, must be deleted from the description (PCT Rule 9.1(iv)).